

**HAMILTON
BROOK
SMITH &
REYNOLDS, P.C.**

PATENTS, TRADEMARKS
COPYRIGHTS & LITIGATION

530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133
TEL (978) 341-0036
FAX (978) 341-0136
www.hbsr.com

MUNROE H. HAMILTON
(1906-1984)

DAVID E. BROOK
JAMES M. SMITH
LEO R. REYNOLDS
JOHN L. DUPRE
DAVID J. BRODY
MARY LOU WAKIMURA
ALICE O. CARROLL
N. SCOTT PIERCE
HELEN E. WENDLER
SUSAN G. L. GLOVSKY
DOREEN M. HOGLE
RICHARD W. WAGNER
ROBERT T. CONWAY
RODNEY D. JOHNSON
DAVID J. THIBODEAU, JR.
ANNE J. COLLINS
LISA M. TREANNIE

JACQUELINE M. ARENDT
GERALD M. BLUHM
JOHN M. CARD
LINDA M. CHINN
STEVEN G. DAVIS
JEFFREY J. DUQUETTE
CAROL A. EGNER
ERIK L. ENCE
TODD A. GERETY
ANTOINETTE G. GIUGLIANO
JOYCE C. HERSH
JONG P. HONG
PAUL P. KRIZ
C. STEVEN KURLOWECZ
HELEN LEE
CHRISTOPHER J. LUTZ
TIMOTHY J. MEAGHER
DEIRDRE E. SANDERS
KEVIN T. SHAUGHNESSY
MARK B. SOLOMON
J. SCOTT SOUTHWORTH
A. CRISTINA TAYLOR*
JON C. TRACHTENBERG
DARRELL L. WONG
* NOT ADMITTED IN MASS.

OF COUNSEL
RICHARD A. WISE
ANNE I. CRAIG
ELIZABETH W. MATA

SUPERVISING PATENT AGENT
CAROLYN S. ELMORE

PATENT AGENTS
SUSAN M. ABELLEIRA
SANDRA A. BROCKMAN
THERESA A. DEVLIN
CAROLINE M. FLEMING
MARY K. MURRAY
PAMELA A. TORPEY
ROBERT H. UNDERWOOD

TECHNOLOGY SPECIALISTS
PAUL G. ALLOWAY
KELLIE L. CARDEN
COLIN C. DURHAM
JESSE A. FECKER
JOSEPH M. MARAJA
DAVID RUCANDO
VIVIEN TANNOC
KAREN J. TOWNSEND
BRIAN P. TURANO
MICHAEL M. YAMAUCHI
JOSEPH C. ZUCCHERO

MICHAEL KEWESHAN
ADMINISTRATIVE DIRECTOR
BARBARA J. FORGUE
ADMINISTRATOR OF
PATENT AND
TRADEMARK PRACTICE



ANNOUNCEMENT

Please note that Hamilton, Brook, Smith & Reynolds, P.C.,
has relocated.

Effective immediately, our new postal address and contact
numbers are as follows:

Hamilton, Brook, Smith & Reynolds, P.C.
530 Virginia Road
P.O. Box 9133
Concord, Massachusetts 01742-9133
USA

Telephone: (978) 341-0036
Facsimile: (978) 341-0136

#4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Arthur Zaifman and Stephen Ciavaglia
Application No.: 09/954,711 Group: 2162
Filed: September 18, 2001 Examiner: Not assigned
For: System Resource Availability Manager

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231	
on <u>11/7/01</u>	<u>Nadine Z. Kush</u>
Date	Signature
<u>Nadine Z. Kush</u>	
Typed or printed name of person signing certificate	

REQUEST FOR CORRECTED FILING RECEIPT
FOR UTILITY APPLICATION

Office of Initial Patent Examination
Customer Service Center
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

We hereby request that the following items of information be added to the Filing Receipt for the subject application received in this office on November 1, 2001.

The errors and corrections appear below.

As the last line of the Domestic Priority data as claimed by applicant section, please add:

--- and U.S. Application 09/954,471 filed 09/17/2001 ---

Enclosed is a copy of the Filing Receipt with changes noted in red.

Pursuant to instructions in the February 29, 2000 O.G., we hereby request that the errors which are identified above be corrected in the captioned application to which this request for correction is directed. It is understood that the Patent Office will issue an automatically-generated, corrected Filing Receipt in this and, if applicable, any other affected applications.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By 

David J. Thibodeau, Jr.

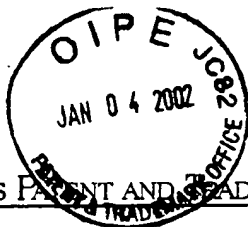
Registration No.: 31,671

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

Date: 11/7/01



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/954,711	09/18/2001	2162	0.00	3085.1000-004	12	99	5

CONFIRMATION NO. 7617

FILING RECEIPT



OC000000006988914

David J. Thibodeau, Jr.
HAMILTON, BROOK,
SMITH & REYNOLDS, P.C.
Two Militia Drive
Lexington, MA 02421-4799

Date Mailed: 10/29/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Arthur Zaifman, Residence Not Provided;
Stephen Ciavaglia, Residence Not Provided;

Assignment For Published Patent Application

Tenor Networks, Inc., Acton, MA;

Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/233,395 09/18/2000

and U.S. Application 09/954,471 filed 09/17/2001

Foreign Applications

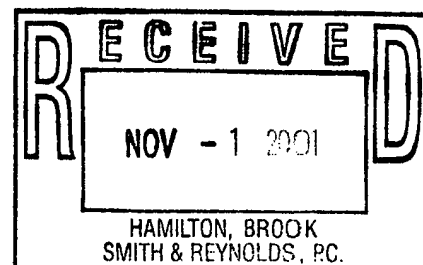
If Required, Foreign Filing License Granted 10/29/2001

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title



System resource availability manager

Preliminary Class

705

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations, especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



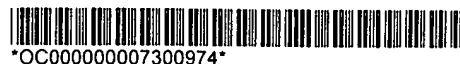
UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/954.711	09/18/2001	Arthur Zaifman	3085.1000-004

CONFIRMATION NO. 7617

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 Virginia Road
P.O. Box 9133
Concord, MA 01742-9133



Date Mailed: 01/11/2002

RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

Claims, Fees, Inventors and Continuity

In response to your request for a corrected Filing Receipt, the Office is unable to comply with your request because:

- ☐ The total number of claims appearing on the Filing Receipt does not include multiple dependent claims. The total fee appearing on the Filing Receipt includes the cost of multiple dependent claims that were present at the time the application was filed.
- ☐ The filing fee is correct. It includes the surcharge under 37 CFR 1.16(e) for filing an oath/declaration or basic filing fee after the application filing date.
- ☐ The inventor information may be truncated if the family name consists of more than 50 characters (letters and spaces combined) and if the given name consists of more than 50 characters (letters and spaces combined). The inventor's residence allows for up to 40 characters (letters and spaces combined).
- ☐ The docket number allows a maximum of 25 characters.
- ☒ Continuity claimed under 35 USC 120 cannot be added to the Filing Receipt without supplying the relationship (i.e. continuation, divisional...).
- ☐ Foreign priority will appear on the Filing Receipt in the following order:
Country, Application number, Filing date.
- ☐ The person signing on behalf of the deceased inventor will be reflected on your Filing Receipt as the legal representative.
- ☐ Only one character per space is allowed. Therefore, punctuation which is usually placed above or below a letter, such as an umlaut (..), cannot be included on the Filing Receipt.

Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington, DC 20231

*A copy of this notice **MUST** be returned with the reply.*

R.B.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY